

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 7224**

**BILL NUMBER:** HB 1151

**NOTE PREPARED:** Feb 20, 2003

**BILL AMENDED:** Feb 19, 2003

**SUBJECT:** Disposal of Cremated Remains.

**FIRST AUTHOR:** Rep. Lytle

**FIRST SPONSOR:** Sen. R. Meeks

**BILL STATUS:** As Passed - House

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
☐ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) The bill has the following provisions:

(A) It makes cremation (instead of scattering of the remains) or other disposition of human remains the final disposition for purposes of the cemetery law.

(B) It provides that a person who fails to file an annual report for a crematory commits a Class A misdemeanor.

(C) It provides that a funeral home has no liability for: (1) disposing of cremated remains held in excess of 60 days; or (2) holding cremated remains in excess of 60 days; if the funeral home provides notice to the authorizing agent explaining the intentions of the funeral home.

**Effective Date:** July 1, 2003.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** (Revised) There are no data to indicate how many offenders may be convicted of knowingly or intentionally failing to register a crematory or file an annual report.

If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

**Explanation of Local Expenditures:** (Revised) A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

**Explanation of Local Revenues:** (Revised) If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs Association, Department of Correction.

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